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PATENT APPLICATION
DOCKET NO.: 00537-190002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Barry A. Morgan and Dean Sadat-Aalae

Application No.: 09/980,133

Group Art Unit: Unknown

Filed: November 27, 2001

Examiner: Unknown

Title: NEUROMEDIN B AND SOMATOSTATIN RECEPTOR AGONISTS

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Technology Center 2600

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CERTIFICATE OF MAILING

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Date of Deposit: January 23, 2002
Karen Loudon
Karen Loudon

**INFORMATION DISCLOSURE STATEMENT AND AUTHORIZATION TO
CHARGE DEPOSIT ACCOUNT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$240.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a Petition under 37 CFR 1.97(d)(2), and
- ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- ☐ Applicant requests that the attached IDS and cited reference(s) [] be placed in the application filewrapper.
(Filed after payment of issue fee)
- ☒ The listed references were cited in the enclosed Search Report which issued in connection with the corresponding International Patent Application.

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449, with copies of the references noted thereon.
- ☐ Copies of the reference(s) noted on the enclosed form 1449 were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [], from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)).

Concise Explanation Requirement (non-English references):

- ☒ The "concise explanation" requirement for reference(s) WO99 25729 under 37 CFR 1.98(a)(3) is satisfied by EP 1 033 372 A1:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☒ submission of the enclosed International Search Report.
- ☐ the enclosed English language abstracts.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO-1449 appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Assistant Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☒ The Assistant Commissioner is hereby authorized to please charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,

BIOMEASURE, INCORPORATED

Dated: 1/23/2002

By: 

Alan F. Feeney, Attorney for Applicant(s)

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ATTORNEY DOCKET NO.
00537-190002APPLICATION NO.
09/980,133INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

APPLICANT

Barry A. Morgan & Dean Sadat-Aalaei

FILING DATE

November 27, 2001

GROUP

Unknown

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	5,462,926	Oct. 31, 95	Coy et al.	514	16	
	AB						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AC	WO 94/05310	Mar. 17, 94	PCT			
	AD	WO 93/03056	Feb. 18, 93	PCT			
	AE	0 478 101 A2	Sep. 20, 91	Europe			
	AF	WO 99/25729	May 27, 99	Japan			
	AG	WO 98/51332	Nov. 19, 98	PCT			
	AH	0 127 899	Jun. 04, 84	Europe			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AI	David H. Coy, et al., "Somatostatin receptor antagonists based on a mixed neuromedin B antagonist/somatostatin agonist" PEPT. PROC. AM. PEPT. SYMP., 15th (1999), pgs. 526-529, XP000917964
	AJ	Richard R. Ryan et al., "Comparative Pharmacology of the Nonpeptide Neuromedin B Receptor Antagonist PD 168368" J. PHARMACOL. EXP THER. (1999), pgs. 1202-1211, XP000917708
✓	AK	Akira Kubota et al., "Effector Coupling of Somatostatin Receptor Subtypes on Human Endocrine Tumors", METABOLISM CLINICAL AND EXPERIMENTAL, (1996), Vol. 45, no 8 Suppl.1, pgs. 42-45 XP002149617

EXAMINER

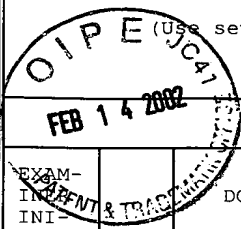
DATE CONSIDERED

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MAY 28 2002

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EXAM- INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
✓	AL 0 395 417 A1	Apr. 26, 90	Europe			
✓	AM 0 395 417 B1	Apr. 26, 90	Europe			
✓	AN 1 033 372 A1	Nov. 18, 98	Europe			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

✓	AO	A. Horvath et al., "Somatostatin Octa- and Heptapeptides, Structural and Biological Characteristics", PEPT. (1998), PROC. EUR. PEPT. SYMP, Pgs. 483-484, XP000918406

EXAMINER

DATE CONSIDERED